



*Town of  
Harpswell  
Maine  
2016*

# Outdoor Pesticides Control and Fertilizer Use Ordinance

Harpswell, Maine

Attest: A true and exact copy.

*Rosaura Knight*  
Town Clerk, Deputy

Date

3-18-16

**TOWN OF HARPSWELL**  
**Outdoor Pesticides Control and**  
**Fertilizer Use Ordinance**

Enacted May 20, 2004  
Amended March 12, 2016

- i. the use and/or application by any person by any method whatsoever of any Insect Growth Regulator (IGR) as defined, or;
  - ii. the aerial spraying of any Insecticide whose product label indicates that it is harmful to aquatic invertebrates.
- b) No outdoor use of a pesticide shall be permitted within twenty-five (25) feet of the maximum high water line of a great pond, stream, tributary stream, the highest annual tide (HAT) of a coastal wetland or the upland edge of a freshwater wetland; except in conjunction with commercial agriculture, nurseries, or golf courses.
- c) The outdoor use and/or application of any neonicotinoid insecticide whose product label indicates that it is harmful to bees or aquatic invertebrates is subject to the following restrictions except in conjunction with commercial agriculture, nurseries, or golf course.
  - i. Between twenty-five (25) and two hundred fifty (250) feet of the maximum high water line of a great pond, stream, tributary stream, the highest annual tide (HAT) of a coastal wetland or the upland edge of a freshwater wetland, the use of a neonicotinoid insecticide regulated by this ordinance must be done by a licensed applicator. Uses permitted by licensed applicators are limited to applications by stem injection or painting on wind pollinated trees or plants.
  - ii. Outside of the two hundred fifty (250) foot shoreland zone, neonicotinoid insecticides may be applied by:
    - a) stem injection or tree painting to wind pollinated trees plants, or
    - b) other application methods if applied by a licensed applicator.

#### **Section 4. Use of Licensed Pesticide Applicators**

Any application, for which compensation is paid, of general use pesticides, restricted pesticides, or weed and feed fertilizers, shall be done by a licensed applicator.

#### **Section 5. Fertilizer Use Limitation**

The outdoor use of fertilizers, except in conjunction with commercial agriculture, nurseries, or golf courses, is subject to the following limitations:

- a) Within the shoreland zone:
  - i. No fertilizer shall be applied within twenty-five (25) feet of the maximum high water line of a great pond, stream, tributary stream, the highest annual tide (HAT) of a coastal wetland or the upland edge of a freshwater wetland.
  - ii. Between twenty-five (25) and two hundred fifty (250) feet of the maximum high water line of a great pond, stream, tributary stream, the highest annual tide (HAT) of a coastal wetland or the upland edge of a freshwater wetland, only non-water soluble fertilizer, compost, or composted manure may be applied.

A decision of the Conservation Commission with respect to the granting of a waiver may be appealed to the Board of Selectmen within fifteen (15) days of the Commission's decision. The Board shall act on an appellate basis in reviewing the decision and may affirm or modify the Commission's decision.

#### **Section 8. Random Sampling**

When a violation of the provisions of this ordinance is suspected, the Code Enforcement Officer may require that the person, firm, or corporation that is the owner of or having control or use of the property, provide the Town with soil or leaf samples from a location on the property specified by the Code Enforcement Officer in sufficient quantity to permit laboratory testing of the soil or leaf in order to check for the presence of any Insect Growth Regulator (IGR) that prevents molting or inhibits exoskeletal formation or any Neonicotinoid or Insecticide whose product label indicates that it is harmful to aquatic invertebrates or bees.

#### **Section 9. Violations**

A person, firm, or corporation who uses or applies or causes to be used or applied any Insect Growth Regulator or Insecticide in violation of the Ordinance shall be subject to a fine of not less than \$1,000 nor more than \$2,500 for the first violation of this Ordinance. A fine of not less than \$2,501 nor more than \$5,000 shall be levied against any person, firm, or corporation violating this Ordinance for the second and each subsequent violation. Refusal to comply with the Code Enforcement Officer's sampling request shall result in a fine of not less than \$1,000 and may result in further action by the Town and its Code Enforcement Officer in seeking an administrative inspection warrant for the property.

#### **Section 10. Enforcement**

This Ordinance shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance.

#### **Section 11. Severability**

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Ordinance shall remain valid.

## Section 12. Table of Prohibitions and Restrictions

The following table provides an overview of the prohibitions and restrictions on the outdoor use of pesticides and fertilizers except for applications in conjunction with commercial agriculture, nurseries, and golf courses. Where there is conflict between the table and the descriptions in the preceding sections, the language of Sections 3, 4, 5 and 6 shall apply.

<b>HARPSWELL PESTICIDE/FERTILIZER PROHIBITIONS AND DISTANCE FROM WATER</b>			
<b>CLASS OF PESTICIDE/ FERTILIZER</b>	<b>SHORELAND ZONE</b>		<b>OUTSIDE SHORELAND ZONE</b>
	<b>25' BUFFER</b>	<b>25' – 250'</b>	<b>OVER 250'</b>
Insect Growth Regulator (IGR)	X	X	X
Neonicotinoids: Label indicates harmful to pollinators or aquatic invertebrates	X	Use only permitted by Licensed Applicator on wind pollinated trees or plants using stem injection or painting	Use only permitted on wind pollinated trees or plants using stem injection or painting. Other application methods will not be restricted if applied by a Licensed Applicator.
All other pesticides	X	No restriction	No restriction
Fertilizer	X	Compost	No restriction
		Non water soluble nitrogen fertilizer	

**X = Use prohibited**